

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

GINGER CRAVEY, as Administratrix of the)
Estate of RILEY CRAVEY, deceased,)
))
Plaintiff,)
))
vs.)
))
TMA FOREST PRODUCTS GROUP, et al.)
))
Defendants.)
))
))

**CASE NUMBER:
2:06-cv-191-WKW-DRB**

SPECIAL APPEARANCE OF D & D LUMBER COMPANY, INC.

Defendant D & D Lumber Company, Inc. (“D & D Lumber”) submits this Special Appearance for the limited purpose of opposing Plaintiff’s Request for Entry of Default. D & D Lumber requests that this Honorable Court enter an order denying Plaintiff’s Request for Entry of Default because Plaintiff fraudulently joined D & D Lumber. D & D Lumber also submits that process and service of process are defective in this matter. D & D Lumber discusses these issues in further detail in its Opposition to Plaintiff’s Request for Entry of Default and Motion to Dismiss, which has been filed contemporaneous herewith.

Respectfully Submitted,

s/ E. Bryan Nichols

H. Thomas Wells, Jr.

Bar Number: WEL004

twells@maynardcooper.com

John A. Earnhardt

Bar Number: EAR006

jeanhardt@maynardcooper.com

E. Bryan Nichols

Bar Number: NIC036

bnichols@maynardcooper.com

OF COUNSEL:

MAYNARD, COOPER & GALE, P.C.

1901 Sixth Avenue North

Suite 2400

Birmingham, Alabama 35203

Telephone: (205) 254-1000

Facsimile: (205) 254-1999

John C. Berghoff Jr

Mark R. Ter Molen

Matthew C. Sostrin

Admitted Pro Hac Vice

MAYER, BROWN, ROWE & MAW, LLP

71 S. Wacker Drive

Chicago, Illinois 60606

Attorneys for Defendant

D & D Lumber Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2006, I served the foregoing upon the following persons via U.S. Mail:

COUNSEL FOR DEFENDANTS LOUISIANA-PACIFIC CORPORATION

Dennis R. Bailey
R. Austin Huffaker
Rushton, Stakely, Johnston & Garrett
P. O. Box 270
Montgomery, AL 36101

COUNSEL FOR PLAINTIFF

W. Eason Mitchell
Colon Law Firm
P. O. Box 866
Columbus, MS 39703

Robert L. Palmer
Gregory A. Cade
W. Lee Gresham III
Fred R. DeLeon
Environmental Litigation Group
3529 Seventh Avenue South
Birmingham, AL 35222

s/ E. Bryan Nichols

E. Bryan Nichols
1901 Sixth Avenue North
Suite 2400
Birmingham, Alabama 35203
Telephone: (205) 254-1184
Facsimile: (205) 254-1999
E-mail: bnichols@maynardcooper.com
Bar Number: NIC036